

**IN THE U.S. DISTRICT COURT OF MARYLAND
FOR DISTRICT OF MARYLAND**

Sharn Chapman, et al.

*

*On behalf of themselves and
others similarly situated*

*

Plaintiffs

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Case No. AW-08-2545

Ourisman Chevrolet Co., Inc., et al.

*

Defendants

*

AFFIDAVIT OF PATRICIA MERRICK

I, Patricia Merrick, am over 18 years of age and competent to testify:

1. I have been employed as a sales representative at Ourisman Chevrolet Co., Inc. ("Ourisman") from January 15, 2007 to present. Throughout my employment, Ourisman has paid its sales representatives (including me) on a straight commission basis.

2. During the above time period, I did not receive the minimum wage for many statutory work weeks, for the time I spent performing work for the Defendants. There are many current and former sales representatives who did not receive the minimum wage for various statutory work weeks, for the time they spent performing work for the Defendants.

3. All of the sales representatives at Ourisman are similarly situated. Ourisman only pays those sales representatives who have earned commissions based on their sales. Ourisman maintains a common policy or practice, which applies to all of the sales representatives, in which they are not paid unless they have earned a commission.

4. Ourisman knowingly requires sales representatives to underreport their actual hours of work. Ourisman has deliberately failed and refused to pay me, and others similarly situated, the statutory minimum wage required by law for our work.

5. A number of other sales representatives (who are not yet parties) are interested in joining the lawsuit. Ourisman normally has approximately ten sales representatives in new cars and ten sales representatives in used cars. It also has many former sales representatives.

I affirm under the penalties of perjury that the foregoing is true and correct based on my personal knowledge.

10/21/08
Date

Patricia Johnson
Signature